

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DEBORAH BOYD,  
Plaintiff,  
v.  
UNITED STATES DEPARTMENT  
OF HEALTH AND HUMAN  
SERVICES,  
Defendant.

C.A. No. 05-11434-RGS

**ANSWER**

**JURISDICTION**

This statement constitutes the plaintiff's jurisdictional characterizations of this action to which no answer is required. To the extent that a response is required, the defendant denies the allegations contained in this Paragraph of the Complaint.

**PARTIES**

1. The defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint, and thus denies the allegation.
2. The defendant admits the allegations contained in Paragraph 2 of the Complaint.

**FACTS**

3. The defendant admits that the plaintiff was seen at Manet between February 1999 through October 2001. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the last sentence of Paragraph 4, and thus denies the same.

4. The defendant denies the allegations contained in Paragraph 4 of the Complaint. The defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the last sentence of Paragraph 4, and thus denies the same.
5. The allegations contained in Paragraph 5 of the Complaint constitute conclusions of law as to which no response is required. To the extent the Paragraph may be construed to contain factual allegations, they are denied.
6. The defendant denies the allegations contained in Paragraph 6 of the Complaint.

**COUNT I**

7. The defendant incorporates its answers in Paragraphs 1 - 6 as if stated herein.

The Wherefore Paragraph following Paragraph 7 constitutes a prayer for relief to which no respond is required. To the extent that a response is required the defendant denies that the plaintiff is entitled to any relief whatsoever.

**JURY DEMAND**

The defendant denies that the plaintiff is entitled to a trial by jury.

All remaining allegations not otherwise admitted, are denied.

**AFFIRMATIVE DEFENSES**

1. As a matter of law, the Plaintiff is not entitled to recover punitive damages against the defendant.

2. The plaintiff fails to state claims upon which relief may be granted.
3. The plaintiffs are not entitled to a jury trial. 28 U.S.C. §2402.
4. The plaintiff's recovery, if any, is limited to the damages recoverable under the Federal Tort Claims Act.
5. Pursuant to 28 U.S.C. § 2675(b), the plaintiff is prohibited from claiming or recovering an amount against the defendant in excess of that set forth in the plaintiff's administrative claim presented to the United States Department of Health and Human Services.

For the Defendant,

MICHAEL J. SULLIVAN,  
United States Attorney

/s/ Rayford A. Farquhar  
RAYFORD A. FARQUHAR  
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(617) 748-3284

Dated: November 23, 2005

**CERTIFICATE OF SERVICE**

Suffolk, ss.

Boston, Massachusetts  
November 23, 2005

I, Rayford A. Farquhar, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing upon counsel of record, Christopher G. Timson, Howard, Timson & White, 89 Access Road, Suite 29, Norwood, MA 02062.

/s/ Rayford A. Farquhar  
Rayford A. Farquhar  
Assistant U.S. Attorney